

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re IBM Subpoena in the matter of:

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Plaintiff and Counterclaim
Defendant,

v.

PLATFORM SOLUTIONS, INC.,

Defendant and Counterclaimant.

CASE NO. C07-80174 RMW (PVT)

Underlying action pending in the United States
District Court for the Southern District of New
York, CASE NO. CV 06-13565 SCR

**[PROPOSED] ORDER SEALING
UNREDACTED PAGES OF IBM'S
OPPOSITION TO HP'S MOTION TO
MODIFY SUBPOENA AND FOR
PROTECTIVE ORDER AND PORTIONS
OF EXHIBITS G, J, & K TO
DECLARATION OF KATHERINE WEALL
IN SUPPORT THEREOF**

**[Per Court's October 9, 2007 Order Re:
Requests to File Documents Under Seal]**

Hearing Date: Off-calendar
Former Hearing Date: October 23, 2007
Place: Courtroom 5
Before: The Honorable Patricia V. Trumbull

1 Good cause appearing therefore, IT IS HEREBY ORDERED THAT the below-listed portions
2 of the following documents lodged with the Court by International Business Machines Corp.
3 (“IBM”) on October 2, 2007, shall be filed under seal:

- 4 1. IBM’s Opposition to HP’s Motion to Modify Subpoena and for Protective Order: page
5 1, lines 10-11; page 3, lines 16-19; page 12, lines 16, 20-23; page 13, lines 1-2, and
6 page 15, line 19;
- 7 2. Exhibit G to Declaration of Katherine Weall: page 5, lines 16 and 18, page 9, lines 4-5
8 and page 10, line 1 of the underlying document;
- 9 3. Exhibit J to Declaration of Katherine Weall: page 1, line 4 in the first full paragraph
10 under “1. The Protective Order”; and
- 11 4. Exhibit K to Declaration of Katherine Weall: page 2, lines 6-7 in the first full paragraph
12 under “B. HP’s Objections to IBM’s Request for the Production of Documents. 1.
13 Definitions,” and page 3, line 5 in the first full paragraph under “C. Specific Requests.”

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15 **IT IS SO ORDERED.**

16 Dated: _____

HONORABLE PATRICIA V. TRUMBULL
UNITED STATES MAGISTRATE COURT JUDGE

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20 Respectfully submitted,

21 GIBSON, DUNN & CRUTCHER LLP

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23 By: /s/ Angelique Kaounis
Angelique Kaounis

24 Attorneys for NONPARTY
25 HEWLETT-PACKARD COMPANY
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DECLARATION OF SERVICE

I, Joyce Tanabe, hereby certify as follows:

I am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and am not a party to this action; my business address is Gibson, Dunn & Crutcher LLP, 333 South Grand Avenue, Los Angeles, California 90071, in said County and State; I am employed in the office of Angelique Kaounis, a member of the bar of this Court, and at her direction, on [October 15, 2007](#), I served the following:

**[PROPOSED] ORDER SEALING UNREDACTED PAGES OF IBM'S
OPPOSITION TO HP'S MOTION TO MODIFY SUBPOENA AND FOR
PROTECTIVE ORDER AND PORTIONS OF EXHIBITS G, J, & K TO
DECLARATION OF KATHERINE WEALL IN SUPPORT THEREOF**

on the interested parties stated below, by the following means of service:

Richard W. Erwine, Esq.
Katherine Weall, Esq.
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BY PDF FORMAT: I caused each such document to be transmitted by PDF format, to the parties and email addresses listed above.

1 I certify under penalty of perjury that the foregoing is true and correct, that the original of the
2 aforementioned document(s) was/were printed on recycled paper, and that this Certificate of Service
3 was executed by me on [October 15, 2007](#) at Los Angeles, California.

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5 _____
6 Joyce Tanabe

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